

NTSB Order No. EA-4204

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 22nd day of June, 1994

Respondent .

holder. See Administrator v. Potanko, NTSB Order No. EA-3990 (1993), and cases cited therein; Administrator v. Green, NTSB Order No. EA-3375 (1991); and Administrator v. Balestra, NTSB Order No. EA-3065 (1990). Respondent's assertion in his motion that no question was raised regarding his qualifications is incorrect. Cf. Administrator v. Johnson, NTSB Order No. EA-3929 (1993) (since lack of qualifications must be shown in order to support revocation, an order seeking revocation inherently alleges a lack of qualification).

Further, the conclusion that respondent lacks the requisite qualifications is no less valid because the order of revocation in this case was affirmed on a motion for summary judgment, rather than after an evidentiary hearing on the merits. The motion was supported by a certified copy of respondent's conviction and underlying indictment, which established that on at least two occasions respondent piloted an aircraft in furtherance of a conspiracy to transport and distribute cocaine and sums of money resulting from its sale, matters which unquestionably warrant revocation of respondent's pilot certificate. Thus, unlike Administrator v. Coombs, NTSB Order No. EA-3750 (1992), a case where we granted a stay of an order of revocation where the respondent's appeal from the order was dismissed on a procedural ground, in this case there has been adjudicatory corroboration of the Administrator's allegations and the conclusion that respondent lacks qualifications.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's motion for stay is denied.

HALL, Acting Chairman, LAUBER, HAMMERSCHMIDT, and VOGT, Members of the Board, concurred in the above order.